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Industry experience with OSS.

Much information has been presented in Michigan by Ameritech and users of Ameritech's OSS. For example, users have cited problems in the area of timeliness of order completion notices, which have resulted in billing errors. Competitive Local Exchange Carriers (CLECs) believe the amount of manual processing of orders once they have been received electronically has been very problematic and has caused delays in the processing of orders. AT&T represents that average days to complete orders has grown as volume grows, that delays are occurring in notification of orders completed, that 20% of orders are completed after the requested due date, that order due dates are changed by Ameritech, and that backlogs of orders are increasing as volume grows.⁴⁹ Brooks is not satisfied with the low portion of OSS functions available electronically through the ASR interface. It believes orders have been lost and that Ameritech has only met order due dates between 55% and 63% of the time during the months of February, March and April 1997.⁵⁰ LCI and MCI indicated at the MPSC's May 28, 1997 hearing that they too had experienced some of the same problems. Many providers have also indicated that certain services cannot be ordered electronically at all, that ordering specifications, either in an electronic or manual format, simply do not yet exist, or that the ordering specifications are problematic. For example,

⁴⁹CLEC exhibits presented at May 28, 1997 hearing in MPSC Case No. U-11104, Exhibit 3-14. Attachment 2, Docket #152.

⁵⁰Brooks May 22, 1997 letter to the Department of Justice included with a May 28, 1997 Ameritech submission in Case No. U-11104. Attachment 2, Docket #144.

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Brooks has indicated that it has attempted to develop electronic ordering formats for directory assistance and 9-1-1 functions since October 1996 but has been unable to do so.⁵¹ Similarly, AT&T has indicated problems with manual processes utilized to populate directory assistance and listing services.⁵² LCI indicates that it interconnects with Ameritech's OSS for ordering and provisioning totally on a manual basis and totally pursuant to Ameritech's resale tariff (since there is no approved interconnection agreement between the two providers). LCI indicates that since reselling grandfathered services involves a different internal billing system than resale of other services, billing delays and errors have occurred.⁵³ MCI indicates that instead of the EMR billing format that it desires and used to receive, it is now receiving resale usage data in an EMI format without explanation for the change.⁵⁴ Finally, many CLECs believe that the ordering procedures for UNE combinations, or platforms, as well as for the resale of nonbasic telephone services (such as Centrex, ISDN, PBX, DID, etc.) simply do not exist.

⁵¹May 28, 1997 Transcript of hearing in Case No. U-11104, pp. 168-169. Attachment 2, Docket #154.

⁵²AT&T's May 7, 1997 Submission of Additional Information in Case No. U-11104, Affidavit of Judith D. Evans, pp. 7-11.

⁵³May 28, 1997 Transcript of hearing in Case No. U-11104, pp. 146-148. Attachment 2, Docket #154.

⁵⁴May 28, 1997 Transcript of hearing in Case No. U-11104, p. 139. Attachment 2, Docket #154.

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USN, on the other hand, indicated at the MPSC hearing that although it had experienced some problems related to volume and system acknowledgments, in general Ameritech's interfaces performed well since USN began business in Michigan.⁵⁵ Ameritech believes that many problems are declining greatly as both Ameritech and CLECs gain experience with OSS. According to Ameritech its order rejection rate has declined from 56% in January 1997 to 9% in May.⁵⁶ Manual review of orders has dropped from 35% to 28% in spite of huge growth in volumes.⁵⁷ According to Ameritech 69% of its resale orders were faxed in January 1997; now only 16% of those orders continue to be submitted in that manner.⁵⁸ Ameritech acknowledges that problems have arisen as usage of its OSS ramps up. However, Ameritech also indicates considerable effort and much success in addressing problems as they have developed.

Adequate performance standards do not exist.

The primary problem in assessing Ameritech's compliance with the nondiscrimination standards of the Act and specifically the OSS functions is that, for the most part, sufficient

⁵⁵USN's May 28, 1997 submission of information in Case No. U-11104. Attachment 2, Docket #148.

⁵⁶May 28, 1997 Transcript of hearing in Case No. U-11104, p. 51. Attachment 2, Docket #154.

⁵⁷May 28, 1997 Transcript of hearing in Case No. U-11104, p. 54. Attachment 2, Docket #154.

⁵⁸May 28, 1997 Transcript of hearing in Case No. U-11104, p. 43. Attachment 2, Docket #154.

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performance standards do not exist by which Ameritech's performance can be judged. There are many examples of the inadequacy of these standards.

First of all, there is not even agreement on what should be judged in regard to OSS functions. Ameritech believes, for example, that its OSS systems can only be judged by the timeliness, reliability and availability of the interfaces themselves.⁵⁹ It believes that such measures as order completion intervals, average restoral intervals and speed of answer measurements do not relate to OSS.⁶⁰ According to Ameritech the requirements of the Act generally mean that "CLECs must be able to interface with Ameritech electronically.... The checklist and the Commission's pronouncements do not address how Ameritech processes transactions internally after the transaction over the interface with the CLEC is complete."⁶¹ CLECs strongly disagree. In support of their position, they refer to the comments of the Department of Justice (DOJ) in response to SBC's recent Section 271 application with the FCC. DOJ indicates in that filing that "the interface between carriers is only the first of two areas of needed automation to render resale services and unbundled elements meaningfully available. SBC must also automate the interaction of this interface and its own OSSs to provide appropriate access, allowing the electronic processing of transactions received via the

⁵⁹Ameritech's Application, Affidavit of Warren Mickens, p. 19.

⁶⁰May 9, 1997 Ameritech Submission of Information in Response to Brooks Fiber in MPSC Case No. U-11104, Supplemental Reply Testimony of Warren Mickens on Behalf of Ameritech Illinois, p. 7.

⁶¹Ameritech's Application, Affidavit of Joseph A. Rogers, p. 23.

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interface."⁶²

Secondly, there is no clear indication of how some of Ameritech's OSS-related goals were developed. When asked during the recent hearing before the MPSC how it was determined that 80% of OSS orders should be processed without manual review, Ameritech indicated that "it's been judgment, really."⁶³ Similarly, in regard to the 10% target for rejection of resale orders, Ameritech indicated again, "it's a judgment, and if we can keep it in single digits, I'm comfortable that the CLECs are learning how to use the system."⁶⁴ Although some interconnection agreements contain standards of performance related to interconnection, resale and some unbundled network elements, Ameritech represents that the standards it utilizes to judge the operation of its OSS are not generally included in executed interconnection agreements but were developed according to Ameritech's judgment of what an appropriate standard should be.⁶⁵ The CLECs, on the other hand, believe that rates of manual processing, order rejection rates and average time to process orders are excessive. But once again there is no measure against which to determine whether the CLECs are correct in their position.

⁶²May 16, 1997 "Evaluation of the United States Department of Justice", 79.

⁶³May 28, 1997 Transcript of hearing in Case No. U-11104, p. 59. Attachment 2, Docket #154.

⁶⁴May 28, 1997 Transcript of hearing in Case No. U-11104, p. 60. Attachment 2, Docket #154.

⁶⁵May 28, 1997 Transcript of hearing in Case No. U-11104, p. 58-59. Attachment 2, Docket #154.

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Third, measures utilized by Ameritech do not, in many cases, provide measures of Ameritech's own operations on which parity judgments can be made. When asked what a goal of 10 seconds for access to customer service records, telephone number selection and due date selection tells us about parity, Ameritech indicated that since Ameritech retail did not use the actual interfaces that CLECs use to access OSS, the operation of the interfaces could not be compared to Ameritech's own experience.⁶⁶

Fourth, some measures do not distinguish things over which Ameritech has control so deviations from the goal can be explained away. For example, Ameritech indicates that if its interconnection standard for call blockage is exceeded, "the differences arise in large measure from situations like those described above, where a CLEC does not notify Ameritech that it has obtained a large terminating customer."⁶⁷

Finally, it has not been determined how some proposed standards will be measured. The primary example of this is the huge difference between the data provided by Brooks and the data provided by Ameritech in regard to assessing whether unbundled loops have been installed on time. In submissions to DOJ, Ameritech represents its average on time completion rate was between 94.3% and 98.1% during the months of February through April 1997. During the same time period Brooks reports instead that the completion rate was

⁶⁶May 28, 1997 Transcript of hearing in Case No. U-11104, p. 64-66. Attachment 2, Docket #154.

⁶⁷Ameritech's Application, Affidavit of John B. Mayer, p. 20.

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between 55% and 63%.⁶⁸ Brooks utilizes standard installation intervals included in its interconnection agreement to make its determinations as to whether on-time installations occur. Ameritech believes the measure must be made relative to firm order commitment dates given when Ameritech's work force, number of pending orders and available facilities are considered. In addition, Ameritech believes factors such as time of day when order is placed must be considered. Ameritech believes that if Brooks utilized the electronic pre-ordering interface rather than the manual interface it presently uses, better estimates for installation dates could be made.⁶⁹ According to Ameritech, standard intervals should merely be utilized for planning purposes and need to be altered with regard to such things as time of year and geography.⁷⁰ It is standard intervals, however, which are contained in Brooks interconnection agreement as performance measures. The factors now raised by Ameritech which in its opinion would cause deviations from the standard interval, are not discussed in the contract in any methodology to be utilized to compute performance.

Standards of nondiscrimination.

The FCC has determined that the just, reasonable and nondiscriminatory obligations of Section 251(c)(3) require that incumbent LECs "provide unbundled elements under terms

⁶⁸Ameritech May 27, 1997 and Brooks May 22, 1997 letters to DOJ included with a May 28, 1997 Ameritech submission in Case No. U-11104. Attachment 2, Docket #144.

⁶⁹Ameritech's June 2, 1997 Submission of Additional Information in Case No. U-11104, pp. 7-13. Attachment 2, Docket #155.

⁷⁰May 28, 1997 Transcript of hearing in Case No. U-11104, p. 70. Attachment 2, Docket #154.

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and conditions that would provide an efficient competitor with a meaningful opportunity to compete."⁷¹ Further, the FCC requires that incumbent LECs "must offer network elements on terms and conditions equally to all requesting carriers, and, where applicable, those terms and conditions must be equal to the terms and conditions on which an incumbent LEC provisions such elements to itself or its customers."⁷²

Without properly developed performance standards it is not possible to tell whether Ameritech has met this requirement of the Act or not. DOJ made the following observation regarding performance standards in its recent review of the Section 271 application of SBC Communications:

At bottom, a "performance benchmark" is a level of performance to which regulators and competitors will be able to hold a BOC after it receives in-region interLATA authority. The most effective benchmarks are those based on a "track record" of reliable service established by the BOC. Such benchmarks may reflect either the BOC's performance of a wholesale support function for a competitor, or, in areas where the BOC performs the same function for its competitors as it does for its own retail operations, a benchmark may also be established by the BOC's service to its own retail operations. In instances where neither type of benchmark is available, the Department will consider other alternatives that would ensure a consistent level of performance, such as, for example, a commitment to adhere to certain industry performance standards and/or an audit of the BOC's systems by a neutral third party. Such benchmarks are significant because they demonstrate the ability of the BOC to perform a critical function -- for example, the provisioning of an unbundled loop within a measurable period of time. Thus, benchmarks serve, as explained in our evaluation, the important purpose of foreclosing post-entry BOC claims that the delay or withholding of services needed by its competitors should be excused on the ground that the services or

⁷¹FCC's August 8, 1996 First Report and Order in CC Docket 96-98, ¶315.

⁷²FCC's December 13, 1997 Second Order on Reconsideration, ¶9.

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performance levels demanded by competitors are technically infeasible. See SBC Evaluation at 45-48.

To make "performance benchmarks" a useful tool for post-entry oversight, we also expect the BOC to adopt the specific means and mechanisms necessary to measure its performance -- i.e., "performance measures." That is, if there are no such systems in place, it will be considerably more difficult to ensure that the BOC continues to meet its established performance benchmarks. Finally, we acknowledge that there may be areas in which the present industry standards will be updated, requiring new levels of performance. Accordingly, the Department will also focus on the importance of commitments by BOCs to adhere to "performance standards," even when they will be imposed upon it post-entry.⁷³

As MPSC Staff observed at the recent OSS hearing, the numbers that are being utilized by the opposing parties on this issue are often the same. However, some parties believe that a given level of failure rates, dropouts and manual processing, for example, is acceptable; others feel that the same level is not.⁷⁴ Again, as DOJ has observed,

The ability to detect discrimination in the performance of these functions is dependent on the establishment of performance measures, allowing competitors and regulators to measure the BOC's performance. The development of appropriate measures is critical to establishing that the local market is open. On an ongoing basis, the measures must be able to assure that the local market remains open and that any BOC backsliding will be detected.⁷⁵

Standards of performance must be established to assure nondiscriminatory access.

Ameritech has expended considerable effort in the development of its OSS and in

⁷³May 21, 1997 "Addendum to the Evaluation of the United States Department of Justice", pp. 4-6.

⁷⁴May 28, 1997 Transcript of hearing in Case No. U-11104, p. 162. Attachment 2, Docket #154.

⁷⁵May 16, 1997 "Evaluation of the United States Department of Justice", Affidavit of Michael J. Friduss, ¶19.

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attempting to promptly address the several problems which have developed. Resale experience with Ameritech's OSS has been brief, beginning for the most part in Michigan only in March of this year. Use of interfaces by purchasers of unbundled loops has occurred for a much longer period of time. However, most of this experience has been with manual rather than electronic interfaces, which has caused problems of its own. Ameritech has proposed a number of performance standards on which its interconnection, resale, UNE and OSS experience may be judged. Some of these standards are included in interconnection agreements; others are simply Ameritech's judgment. These standards are delineated in the Affidavit of Warren Mickens, which is attached to Ameritech's Application. In May 1997 Ameritech also provided to the Staff of the MPSC, under confidential seal, a report of its performance on many of these standards it proposes for the first four months of 1997. Although a comprehensive assessment of this report has not been completed, it is evident from the discussion above that considerable controversy continues to exist over the adequacy of Ameritech's performance and the measurements which should be utilized to judge that performance. The CLECs have described measures that they believe are relevant to assessments of OSS.⁷⁶ DOJ, in its review of SBC's Section 271 Application, has likewise delineated a number of measures that should be assessed.⁷⁷ Ameritech, in fact, has already proposed to measure a number of these factors, which SBC had not as yet proposed. DOJ

⁷⁶Attachment 5 submitted at the MPSC's May 28, 1997 hearing on OSS.

⁷⁷May 16, 1997 "Evaluation of the United States Department of Justice," Affidavit of Michael J. Friduss.

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made note of these Ameritech proposals. Based on information provided to the MPSC, development of standards should take account of the following:

- a. Both the interface and performance of the operations support systems must be assessed.
- b. Performance must measure what is in Ameritech's control in order to help prevent attempts to waive the relevance of particular performance measurements. If an order completion date can be determined either by Ameritech or by the desires of the customer, the latter should not be included in Ameritech's performance measure.
- c. Measurements must permit determinations of parity to be made with Ameritech's own retail operations. Measuring rates of completion within a target period of time rather than determining actual average time to complete a task does not permit direct comparisons to Ameritech's retail performance.
- d. Although exact parity of operations may not exist on the retail and wholesale operations, instances which are substantially analogous should be utilized for purposes of comparison. For example, as was suggested by DOJ, "the provisioning of an end-to-end combination of loop, switching, and transport elements is, in some cases, analogous to a BOC's retail POTS line. In such cases, the Department would normally expect a BOC to process an order in the same automated fashion that it processes retail POTS lines."⁷⁸
- e. Performance comparisons between CLECs and between CLECs and Ameritech retail operations must recognize the fact that small and large CLECs may find it economically advantageous to utilize different interfaces.
- f. Again in reference to parity measurements, the functions which Ameritech performs manually for its own retail customers must be clearly identified so it can be determined, for example, whether manual or electronic processing for Centrex orders is the standard against which the processing of resale Centrex orders should be compared.
- g. Measurements must be refined enough to permit meaningful parity comparisons to be made. That is, if business orders are more complex and handled

⁷⁸May 16, 1997 Evaluation of the United States Department of Justice, p. 71.

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differently by Ameritech's retail operations than are residential orders, performance measures should distinguish these operations. Separate measurements for different customer classes, geographic areas or service products may be required.

h. A specific determination of how measurements should be made must be delineated. If orders received late in the day are treated as next day orders, this should be specified and performance of Ameritech's retail operations should be similarly measured.

i. OSS performance relative to directory assistance, white pages listings, number portability, operator services and 9-1-1 should be determined. Although Ameritech made limited proposals on these issues (in some cases only on speed of answer),⁷⁹ no actual reports have yet been provided to the MPSC on which performance can begin to be assessed.

j. Reporting schedules and formats must be specified. In addition, a review must be made of the degree to which reports can or should be made on a proprietary basis. If the Act requires that network elements be provided on a nondiscriminatory basis, comparing both one provider to another and Ameritech retail operations to its wholesale operations, protection of all information may discourage or totally prevent available information from being utilized.⁸⁰

k. The period of time must be specified during which performance measures can be assessed and judged. For example, if the first month of a new CLEC's OSS operations is not meaningful because of learning activity occurring on both sides, perhaps the measures of performance for this new provider should be excluded for that month from overall performance measurements for the Company.

l. Finally, remedies and/or penalties for noncompliance with established performance standards must be clearly specified.

⁷⁹Ameritech Application, Affidavit of Warren Mickens, Schedules 11 - 15.

⁸⁰AT&T noted in the MPSC's May 28, 1997 OSS hearing that protection of these reports is problematic. Transcript of hearing in Case No. U-11104, p. 118. Attachment 2, Docket #154.

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Conclusion.

To determine whether Ameritech complies with the OSS and nondiscrimination requirements of this checklist item, the MPSC believes Ameritech must satisfy a two-pronged test. First, Ameritech must permit the technical or physical ability to access the systems necessary to order services and elements required by competitors.

Second, Ameritech must show that the access to services or elements it provides to competitors "must be the same for all telecommunications carriers requesting access" and "at least equal in quality to that which the incumbent LEC provides to itself."⁸¹

The MPSC believes Ameritech has met the first test, technical or physical access to the processes which permit competitors to obtain elements or services necessary to provide CLEC service.

In order to satisfy the second aspect of compliance, the access provided must be equal to all providers and must be provided in a manner that is equivalent to what Ameritech provides itself. Only then can it be determined whether the interconnection has provided for the "efficient competitor a meaningful opportunity to compete."⁸² In order to make that judgment a method or system of gauging the performance should be used. However, complete and appropriate performance standards have not as yet been adopted which would permit determinations to be made regarding nondiscriminatory access to OSS and other

⁸¹47 C.F.R. § 51.311 (a) and (b).

⁸²August 8, 1996 FCC Order in CC Docket No. 96-98, ¶315.

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unbundled network elements. Such measures must be in place before a positive determination can be made by the FCC regarding Ameritech's compliance with this checklist item.

C. Checklist Item (iii)

Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the Bell operating company at just and reasonable rates in accordance with the requirements of section 224.

The situation related to access to poles, ducts, conduits and rights-of-way and the related prices is consistent with the MPSC's previous review.⁸³

AT&T provides information related to this checklist item based on AT&T's experience in Illinois and Ohio. The Ohio discussion appears to concern Ameritech's non-compliance with Ohio utility law. Among other claims related to Illinois, AT&T states it was "denied copies of detailed maps and related graphic materials which would show the location" ⁸⁴

AT&T's interconnection agreement with Ameritech in Michigan states:

"16.13 **Maps and Records.** Ameritech will provide AT&T at AT&T's request and expense, with access to and copies of maps, records and additional information related to its structure." (Emphasis added.)⁸⁵

While the inability to obtain copies of maps appeared to be troublesome in Illinois, the

⁸³Attachment 1, pp. 25-27.

⁸⁴AT&T Supplemental information filing of May 7, 1997, Lester Affidavit in Case No. U-11104 and Hearing Examiners Proposed Order in Illinois Commerce Commission Case No. 96-0404 p. 29-32.

⁸⁵AT&T Interconnection Agreement with Ameritech.

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Michigan agreement clearly provides for copies. The Illinois Hearing Examiner Proposed Order (HEPO) found that Ameritech did not meet the checklist requirements because, "other than providing poles to CCT, Ameritech has not furnished poles, ducts, conduits or rights-of-way to any competing carrier."⁸⁶ This conclusion was based on Illinois experience.

Ameritech, in turn, bases its compliance with this checklist requirement on furnishing Brooks, AT&T, MCI, Climax Telephone Company and Access Transmission access to poles and conduit.⁸⁷ In more detail, as of December 31, 1997, Ameritech furnished attachments to 99 poles and 71,684 feet of conduit to competing local exchange providers. Specifically:

	Poles	Feet of Conduit
Brooks	68	6,390
AT&T	---	43,464
MCI	---	6,349
Climax Telephone Co.	31	---
Access Transmission	---	15,481
	<u>99</u>	<u>71,864</u> ⁸⁸

This information on its face is misleading. At this time, AT&T is providing local exchange service on a resale basis, which should require no poles, ducts or rights-of-way. MCI has only entered the local exchange service business on a trial basis in Michigan. While Climax Telephone Company is a competing local exchange carrier by virtue of its Metro

⁸⁶AT&T Supplemental information filing of May 7, 1997, Lester Affidavit in Case No. U-11104 and Hearing Examiners Proposed Order in Illinois Commerce Commission Case No. 96-0404 p. 31.

⁸⁷Ameritech's Brief in Support of Application pp. 41-42.

⁸⁸Ameritech's Application, Affidavit of Theodore A. Edwards, p. 40.

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exchange, its interconnection agreement is currently in arbitration before the MPSC. Climax Telephone Company is also an incumbent local exchange service provider not yet in competition with Ameritech. The poles noted must relate to the existing operation.

Access Transmission provides competitive access services as a part of MCI. Of all the poles, ducts and rights-of-way Ameritech believes should be considered to satisfy this checklist requirement, only the provision to Brooks provides the utilization of poles, ducts, and rights-of-way that can satisfy this checklist item. It, therefore, appears Ameritech satisfies this checklist item.

D. Checklist Item (iv)

Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

Ameritech represents that it is furnishing unbundled local loops to Brooks and MFS and that, as of April 30, 1997, 22,510 unbundled loops had been ordered or were in service in Michigan.⁸⁹ Prices for various types of loops contained in the Brooks, MFS, and TCG interconnection agreements were negotiated. Prices for basic loops contained in the AT&T interconnection agreement were arbitrated by the MPSC and established pursuant to Section 252(d)(1) of the Act and the MTA and are available to other providers pursuant to the MFN clauses of their interconnection agreements. Prices for non-basic types of loops (including various varieties of 2-wire analog loops, a 4-wire analog loop and varieties of digital loops)

⁸⁹Ameritech's Brief in Support of Application, pp. 43-44.

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are included in the AT&T or Sprint interconnection agreements. Prices for many of these types of non-basic loops are also at issue in the ongoing costing and pricing proceeding before the MPSC, Case No. U-11280. Issues related to performance benchmarks for unbundled loops are discussed above in Section III., B.

Ameritech appears to comply with this item of the checklist.

E. Checklist Item (v)

Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.

F. Checklist Item (vi)

Local switching unbundled from transport, local loop transmission, or other services.

Since there are similar issues relating both to checklist item (v) and checklist item (vi), these two items will be considered together.

In its February 5, 1997 Comments, the MPSC stated in regard to the local transport checklist item:

It appears that Ameritech Michigan generally complies with the requirements of this item of the checklist. Resolution of the common versus shared transport issues, however, must occur.⁹⁰

It appears resolution of the shared transport issue remains to be achieved.

⁹⁰Attachment 1, p. 30.

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On November 26, 1996, the MPSC issued an arbitration decision regarding the Ameritech/AT&T interconnection agreement.⁹¹ The MPSC also required that an interconnection agreement incorporating the arbitration rulings be filed within ten days. Five interconnection agreements were filed. Each agreement contained either contested issues or alternative language for unresolved issues.

On February 18, 1997, the MPSC Staff convened a meeting at which representatives of Ameritech and AT&T were present. Each company presented its position on the unresolved issues. The Staff then issued a recommendation, on which both parties submitted comments. Based on the Staff recommendation and comments from Ameritech and AT&T, the MPSC resolved the disputed issues.⁹² In its order resolving the disputes, the MPSC determined there was no functional difference between the port as defined by the MTA and the local switching unbundled network element as defined in 47 C.F.R. 51.319. The MPSC also determined on the issue of shared versus common transport that AT&T's proposal was appropriate and the prices resulting therefrom should apply. A signed interconnection agreement was filed pursuant to the procedures prescribed by the FCC and approved by a majority of the MPSC.

⁹¹November 26, 1997 MPSC Order in Cases Nos. U-11151 and 11152.

⁹²February 28, 1997 MPSC Order in Cases Nos. U-11151 and 11152.

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On April 25, 1997, AT&T filed a Motion for an Order Compelling Compliance with the Commission's February 28, 1997 Order on Shared Transmission Facilities.⁹³ In spite of a MPSC order adopting the AT&T position on this matter, Ameritech has claimed that order was unclear. At this time, the matter remains unresolved. Attachment 7 contains nineteen pieces of correspondence or filings with the MPSC. While there is no guarantee that these nineteen documents represent every correspondence between AT&T and Ameritech on shared transport, it does present very clearly that the issue is far from resolved. This remains so in spite of a signed and approved interconnection agreement.

There is, however, a light at the end of the proverbial tunnel. In fact there are several "lights." One is currently before the FCC in the form of a Petition for Clarification of Worldcom in CC Docket No. 96-98.⁹⁴ The FCC could clarify the shared transport issue and the parties could then move toward implementing or appealing that aspect of the interconnection agreement. An FCC resolution to this issue appears to be possible within the 90 day time period it has to address the Application.

Another possible path to resolution of this issue is the proposed Ameritech/AT&T Unbundled Network Elements Trial.⁹⁵ Ameritech and AT&T are to "test" whether the AT&T "platform" is feasible. Ameritech commits to implementing the AT&T platform upon

⁹³This Motion is included with these comments as Attachment 6.

⁹⁴Petition filed with the FCC on September 30, 1996.

⁹⁵Ameritech Application, Affidavit of Daniel J. Kocher, Schedule 7.

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completion of the test and exhaustion of all legal remedies and will execute its responsibilities related to shared transport in order to comply with the principles set forth in its interconnection agreement in this area.⁹⁶

At this time, the MPSC understands the proposed trial to have two phases. The first was to last approximately 14-21 days. A second phase would follow and last for approximately 31 days. It was understood, based on remarks at the MPSC's May 28, 1997 hearing on OSS, that the first phase was to begin May 28, 1997, but there appears to have been some delay.⁹⁷ The trial will not be completed within a time frame that will permit the MPSC to determine if this requirements of the checklist can be satisfied.

In summary, the MPSC's previous comments in regard to unbundled local switching still apply. The disputes related to the definition of a port and local switching have been resolved in the A&T interconnection agreement, but to date no ports have been ordered (outside of what may or may not be included in the AT&T platform concept).

The issue of shared transport remains unresolved, but possibilities exist that clearer direction will come from the FCC based on the results of the "platform" trial which now should be underway.

If that issue is resolved, it appears Ameritech will comply with these checklist items.

⁹⁶Ameritech Application, Affidavit of Daniel J. Kocher.

⁹⁷May 28, 1997 Transcript of hearing in Case No. U-11104, pp. 195-196. Attachment 2, Docket #154.

G. Checklist Item (vii)

Nondiscriminatory access to--

- (I) 9-1-1 and E9-1-1 services;**
- (II) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and**
- (III) operator call completion services.**

Ameritech claims to be providing access to 9-1-1 service and databases to Brooks, MFS, and TCG. In addition, Ameritech claims these services are also available at the same rates, terms and conditions as those specified in the AT&T and Sprint interconnection agreements.⁹⁸ There appears to be some inconsistency in Ameritech's brief related to this matter. While initially omitting MCI as a competitor to which it provides access to 9-1-1 service and databases, it does cite statistics related to the number of 9-1-1 trunks in service for MCI.⁹⁹ Further the company notes that it is supplying the required access pursuant to a Michigan specific 9-1-1 agreement dated October 5, 1996.¹⁰⁰ With this clarification, it appears Ameritech's provision of access to 9-1-1 service and databases is consistent with the MPSC's February 5, 1997 Comments.

The manner in which that access is provided and the quality of the databases is the subject of a proceeding before this Commission in Case No. U-11229. This is a complaint related to the difficulty the city of Southfield's public safety answering points (PSAPs) have

⁹⁸Ameritech's Brief in Support of Application, p 47.

⁹⁹Ameritech's Brief in Support of Application, p. 47

¹⁰⁰Ameritech's March 27, 1997 Submission of additional information in MPSC Case No. U-11104, p. 19

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receiving accurate automatic number identification (ANI) and automatic location identification information (ALI). In addition, TCG has indicated in that case it does not have on-line access to the 9-1-1 database for entry and error correction.

The record in the complaint case identifies two specific instances where, in potentially life threatening situations, incorrect ALI was given or improper routing of a 9-1-1 call occurred. The MPSC is also aware of a third event on May 21, 1997. The MPSC has not issued a final order in this matter; thus, it is limited in what it may discuss. The record, however, presents the MPSC with options that should minimize the potential for similar difficulties in the future.

Brooks claims Ameritech refused to provide nondiscriminatory access and interconnection to 9-1-1 services. Brooks also claims Ameritech refused to provide daily error reports until last week.¹⁰¹ Brooks advised Ameritech of the lack of reporting on April 25, 1997. On June 2, 1997, Ameritech filed its response to Brooks' claims related to 9-1-1 service.¹⁰² Specifically, Ameritech indicated that the 9-1-1 trunks serving Brooks' trunks were located only in Lansing. Further, Ameritech indicated the trunks were deactivated because they had been put in service prematurely. Ameritech notes the trunks had not undergone the full range of testing at the time they were activated. On the matter of confirmation of data

¹⁰¹Brooks' May 14, 1997 filing in Case No. U-11104.

¹⁰²Ameritech's June 2, 1997 Submission of Additional Information in Response to Brooks Fiber Concerning 9-1-1 Services and Service Order Performance in Case No. U-11104. Attachment 2, Docket #155.

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entry and error correction to the 9-1-1 database, Ameritech indicates there was an interruption in that reporting when the administration of the databases was turned over to a third party vendor. In Brooks' May 28, 1997 presentation before the MPSC, however, the presenter noted daily error reports were now received regularly.¹⁰³

Ameritech interconnection agreements which contain provisions for 9-1-1 service, require Ameritech to coordinate error resolution involving database entry and update activity. Based on meetings between MPSC Staff, Ameritech's personnel and competitors' personnel, little or no confirmation of data entry or error correction is provided to competitors with respect to their customers. In its May 14, 1997 filing in Case No. U-11104, Brooks states it only began to receive daily error reports early in May 1997.¹⁰⁴ The MPSC believes this is not the level of coordination envisioned by the interconnection agreements.

Further, as demonstrated by the record in Case No. U-11229, Ameritech 9-1-1 databases are not error free. The Commission believes Ameritech is providing access to 9-1-1 service and databases. On its face, this access appears to satisfy this checklist item. However, it has been shown that the quality of the databases is suspect. Additionally, Ameritech's compliance with parts of its interconnection agreements related to coordination of data entry and error correction is, at best, poor. The MPSC therefore would indicate compliance with this checklist item only after Ameritech has shown the MPSC and/or the

¹⁰³Transcript of May 28, 1997 hearing in Case No. U-11104, p. 170. Attachment 2, Docket #154.

¹⁰⁴Brooks' May 14, 1997 filing in Case No. U-11104.

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FCC that it has established and pursued methods to ensure accurate 9-1-1 databases and proof that it is in fact performing the data entry and error correction coordination role required by its interconnection agreements.

The MPSC originally addressed Ameritech's provisioning of directory assistance services and operator call completions services in its February 5, 1997 Comments and found that Ameritech appeared to comply with this checklist requirement.¹⁰⁵ In its Application, Ameritech has provided the following information. Of the providers on whose interconnection agreements Ameritech relies for satisfaction of the checklist requirements, it provides directory assistance trunks to Brooks and MFS and operator call completion trunks to Brooks. According to Ameritech, MCI also has been supplied directory assistance trunks.¹⁰⁶ The directory assistance agreement between Ameritech and Brooks was negotiated and submitted to the MPSC on April 23, 1997 for approval. The rates, terms and conditions for directory assistance services already approved and contained in the MFS agreement were negotiated between the parties. Similarly, the rates, terms and conditions for operator call completions services with Brooks and MFS as well as the specific services offered were negotiated between those parties. The rates contained in the AT&T interconnection agreement for both directory assistance services and operator call completion services were arbitrated and found to comply with the requirements of the Act and the MTA. These may be available to

¹⁰⁵ Attachment 1, pp. 38-42.

¹⁰⁶ Ameritech's Application, Affidavit of Theodore A. Edwards, pp. 62-63.

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other providers through the use of MFN clauses in their interconnection agreements.

Ameritech appears to comply with the directory assistance and operator call completion requirements of the checklist.

H. Checklist Item (viii)

White pages directory listings for customers of the other carrier's telephone exchange service.

Much of the controversy related to the nature and scope of white pages listing and directory listings was previously discussed.¹⁰⁷ The approval by the MPSC of Ameritech's interconnection agreements with AT&T, Sprint, and others pursuant to the process delineated by the FCC in CC Docket No. 97-1 should remove any doubt related to Ameritech's inclusion of the white page listings of competing carriers in Ameritech's directories.¹⁰⁸ Ameritech is furnishing white pages listing to Brooks, MFS, TCG, MCI and AT&T. Ameritech also represents that 27 different providers or other entities have entered into agreements to have customers included in Ameritech's directories.¹⁰⁹

There are only nine providers that have approved local interconnection agreements with Ameritech. The providers noted above are among the 27 to which Ameritech refers.

¹⁰⁷ Attachment 1, pp. 42-45.

¹⁰⁸ AT&T Interconnection Agreement, Article XV.

¹⁰⁹ Ameritech's Application, Affidavit of Theodore A. Edwards, p. 133.